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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,260	11/18/2003	Vitaliano Russo	7202-48	6498

30448 7590 08/01/2005
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EXAMINER

FERGUSON, MICHAEL P

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,260

Applicant(s)

RUSSO, VITALIANO

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/12/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-3,7 and 8 are objected to because of the following informalities:

Claim 1 (line 12) recites "of the contacting strands". It should recite --of contacting rope strands--.

Claim 2 (line 10) recites "at least bridge". It should recite --at least one bridge--.

Claim 2 (line 12) recites "the latter to". It should recite --the first and second U elements--.

Claim 2 (line 15) recites "of first U element and second U element". It should recite --of the first U element and the second U element--.

Claim 3 (line 3) recites "the U element". It should recite --the first U element--.

Claim 7 (line 4) recites "element". It should recite --elements--.

Claim 8 (line 9) recites "the latter to". It should recite --the first and second U elements--.

Claim 8 (line 12) recites "of first U element and second U element". It should recite --of the first U element and the second U element--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

2. Claims 3,4 and 9 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

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Claim 3 (line 2) recites "wherein said bridge element comprises an arch element linking an end of a wing of the --first-- U element to an adjacent end of a wing of the second U element". Claim 2 (line 12) recites "wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements". Claim 3 fails to further limit claim 2.

Claim 9 (line 2) recites "wherein said bridge element comprises an arch element linking an end of a wing of the first U element to an adjacent end of a wing of the second U element". Claim 8 (line 8) recites "wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements". Claim 9 fails to further limit claim 8.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 (line 2) recites "wherein said bridge element comprises a yoke". Claim 2 (line 12) recites "wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements and is integral". It is unclear as to how the bridge element can be both the embodiment of a yoke, and the embodiment of an integral one-piece member at the same time.

Claim 11 (line 2) recites "wherein said bridge element comprises a yoke". Claim 8 (line 8) recites "wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements and is integral". It is unclear as to how the bridge element can be both the embodiment of a yoke, and the embodiment of an integral one-piece member at the same time.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

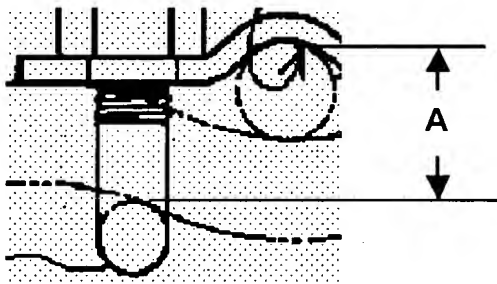
6. Claims 1-4,6,8,9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tesac Corp (JP 2000-178925).

As to claim 1, Tesac Corp discloses a method for making retaining net knots wherein a knot comprises a first **4** and a second **3** rope crossing over each other and a junction binding the ropes in a given crossover area, the method comprising the steps of:

placing a first and a second U elements **16A** astride the first rope, each with the same orientation and close to the second rope on opposite sides thereof;

linking the ends of the first U element to the ends of the second U element by means of a bridge element **16B** overlying the second rope, and clamping the bridge element on the second rope;

wherein, during the clamping step, the ropes press each other at their crossover area, because of the displacement of contacting rope strands, reducing the overall thickness **A** (Figure 10b shown below with annotations) of the first and second ropes pressed together to 1 to $\frac{4}{3}$ of the rope diameter (thickness **A** is approximately $\frac{4}{3}$ the diameter of rope **3,4**) in such a way that the ropes are forced to lie substantially in the same plane at each knot of the net (Figures 9-10b).



As to claim 2, Tesac Corp discloses a knot of a retaining net comprising a first **4** and a second **3** rope crossing over each other and a junction for binding the ropes together, wherein the junction comprises:

a first and a second U element **16A** astride the first rope, with equally oriented wings close to the second rope on opposite sides thereof;

a bridge element **16B** linking the ends of the wigs of the first U element to the adjacent ends of the wigs of the second U element, and overlying the second rope; and

clamping means **16C** for clamping the bridge element on the second rope;

wherein the bridge element comprises an arch which merges (joins) with the adjacent ends of the first and second U elements and is integral with (formed so as to act as a single unit) the first and second U elements to form a unique piece, and

wherein the unique piece has a given distance **A** measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element, and

wherein the give distance is between 1 and $\frac{4}{3}$ of the rope diameter (Figures 9-10b).

As to claim 3, Tesac Corp discloses a knot wherein the bridge element **16B** comprises an arch element **16B** linking an end of a wing of the first U element **16A** to an adjacent end of a wing of the second U element **16A** (Figure 10B).

As to claim 4, Tesac Corp discloses a knot characterized in that the arch element **16B** is formed integrally (formed so as to act as a single unit) with the first U element **16A** and with the second U element **16A** (Figure 10b).

As to claim 6, Tesac Corp discloses a knot wherein the clamping means **16C** comprise two nuts screwing on the ends of two wings of the U elements **16A** (Figure 10b).

As to claim 8, Tesac Corp discloses a junction for binding two ropes together in a knot of a retaining net, the junction comprising:

a first and a second U elements **16A**, laid side-by-side and equally oriented;

a bridge element **16B** linking the ends of the first U element to the adjacent ends of the second U element, used to close the U elements, and clamping means **16C** of the bridge element,

wherein the bridge element comprises an arch which merges (joins) with the adjacent ends of the first and second U elements and is integral with (formed so as to act as a single unit) the first and second U elements to form a unique piece, and

wherein the unique piece has a given distance **A** measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element, and

wherein the given distance is between 1 and $\frac{4}{3}$ of the rope diameter (thickness **A** is approximately $\frac{4}{3}$ the diameter of rope **3,4**; Figures 9-10b).

As to claim 9, Tesac Corp discloses a junction wherein the bridge element **16B** comprises an arch linking an end of a wing of the first U element **16A** to an adjacent end of a wing of the second U element **16A** (Figure 10b).

As to claim 12, Tesac Corp discloses a junction wherein the clamping means **16C** comprise two nuts screwing on the ends of two wings of the U elements **16A** (Figure 10b).

7. Claims 8,9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Parkin (US 2,079,034).

As to claim 8, Parkin discloses a junction capable of binding two ropes together in a knot of a retaining net, the junction comprising:

a first and a second U elements **8,9,10**, laid side-by-side and equally oriented;

a bridge element **7,11** linking the ends of the first U element to the adjacent ends of the second U element, used to close the U elements, and clamping means **13** of the bridge element,

wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements and is integral with the first and second U elements to form a unique piece,

wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the place defined by tangent lines at the intrados of curved bases of the first U element and the second U element, and

wherein the given distance is capable of being between 1 and $4/3$ of the rope diameter (Figure 2).

As to claim 9, Parkin discloses a junction wherein the bridge element comprises an arch **7** linking an end of a wing of the first U element **8,9,10** to an adjacent end of a wing of the second U element **8,9,10** (Figure 2).

As to claim 12, Parkin discloses a junction wherein the clamping means **13** comprise two nuts screwing on the ends of two wings of the U elements **8,9,10** (Figure 2).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesac Corp in view of Gore (US 1,781,458).

As to claim 7, Tesac Corp discloses a knot wherein clamping means **16C** comprise two nuts screwing on the ends of the U elements **16A** instead of two heads formed through riveting, the heads corresponding to the ends of two wings of the U elements (Figure 10b).

Gore discloses a knot characterized in that clamping means comprise two nuts screwing on the ends of bolts **9** or two heads formed through riveting, the heads corresponding to the ends of rivets **9** (Figure 1, lines 35-41). Inasmuch as the references disclose nuts and rivet heads as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 13, Tesac Corp discloses a junction wherein clamping means **16C** comprise two nuts screwing on the ends of the U elements **16A** instead of two heads formed through riveting, the heads corresponding to the ends of two wings of the U elements (Figure 10b).

Gore discloses a junction characterized in that clamping means comprise two nuts screwing on the ends of bolts **9** or two heads formed through riveting, the heads corresponding to the ends of rivets **9** (Figure 1, lines 35-41). Inasmuch as the references disclose nuts and rivet heads as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

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10. Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin in view of Gore.

As to claim 13, Parkin discloses a junction characterized in that clamping means **13** comprise two nuts screwing on the ends of the U elements **8,9,10** instead of two heads formed through riveting, the heads corresponding to the ends of two wings of the U elements (Figure 2).

Gore discloses a junction characterized in that clamping means comprise two nuts screwing on the ends of bolts **9** or two heads formed through riveting, the heads corresponding to the ends of rivets **9** (Figure 1, lines 35-41). Inasmuch as the references disclose nuts and rivet heads as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

Response to Arguments

11. Applicant's arguments filed May 12, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that Tesac Corp does not disclose a method *wherein, during the clamping step, the ropes press each other at their crossover area, because of the displacement of contacting rope strands, reducing the overall thickness of the first and second ropes pressed together to 1 to 4/3 of the rope diameter in such a way that the ropes are forced to lie substantially in the same plane at each knot of the net.*

Examiner disagrees. As to claim 1, Tesac Corp discloses a method wherein, during the clamping step, the ropes **3,4** press each other at their crossover area, because of the displacement of contacting rope strands, reducing the overall thickness **A** of the first and second ropes pressed together to 1 to $\frac{4}{3}$ of the rope diameter (thickness **A** is approximately $\frac{4}{3}$ the diameter of rope **3,4**) in such a way that the ropes are forced to lie substantially in the same plane at each knot of the net (Figures 9-10b).

As to claims 2 and 8, Attorney argues that:

Tesac Corp does not disclose a knot wherein the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements and is integral with the first and second U elements to form a unique piece; and wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element; and wherein the given distance is between 1 and $\frac{4}{3}$ of the rope diameter.

Examiner disagrees. As to claims 2 and 8, Tesac Corp discloses a knot wherein the bridge element **16B** comprises an arch which merges (joins) with the adjacent ends of the first and second U elements **16A** and is integral with (formed so as to act as a single unit) the first and second U elements to form a unique piece; and wherein the unique piece has a given distance **A** measured between a tangent line at an intrados of an arch of the bridge element and the plane defined by tangent lines at the intrados of curved bases of the first U element and the second U element; and wherein the given

distance is between 1 and $4/3$ of the rope diameter (thickness **A** is approximately $4/3$ the diameter of rope **3,4**; Figures 9-10b).

As to claim 8, Attorney argues that:

Parkin does not disclose a junction wherein *the bridge element comprises an arch which merges with the adjacent ends of the first and second U elements and is integral with the first and second U elements to form a unique piece; wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the place defined by tangent lines at the intrados of curved bases of the first U element and the second U element; and wherein the given distance is capable of being between 1 and $4/3$ of the rope diameter.*

Examiner disagrees. As to claim 8, Parkin discloses a junction wherein the bridge element **7** comprises an arch which merges with the adjacent ends of the first and second U elements **8,9,10** and is integral with the first and second U elements to form a unique piece; wherein the unique piece has a given distance measured between a tangent line at an intrados of an arch of the bridge element and the place defined by tangent lines at the intrados of curved bases of the first U element and the second U element; and wherein the given distance is capable of being between 1 and $4/3$ of the rope diameter (Figure 2).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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07/19/05



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